

REMARKS

Reconsideration and further examination of the application is respectfully requested. Claims 1-11 are pending in the application. Independent Claims 1, 8 and 11 have been amended.

The amendments to Claims 1 and 8 are directed to how the frictional engaging element is driven by a mechanical oil pressure pump that is driven by the force of the engine. This aspect of the invention is described in the specification at numbered paragraph [0024]. No new matter has been entered.

Applicant appreciates the allowance of Claim 11.

A. GENERAL REVIEW OF THE PRIOR ART

A hybrid drive train has both an internal combustion engine and an electric motor that share the work of providing drive power to the transmission. As exemplified by the Nakajima, Nagano, and Matsubara references, in prior art systems for automatic start/stop control of the engine, the control elements that control the transmission are actuated by oil pressure that is generated by an electric hydraulic pressure pump that is driven by the electric motor. As a result, electric power is consumed by the electric hydraulic pressure pump while the engine is stopped.

B. THE ANTICIPATION REJECTION BASED ON NAKAJIMA

Claims 1, 6, and 7 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Nakajima (US 6 275 759). This rejection is respectfully traversed based on the following arguments.

In order for a claim to be anticipated each and every limitation of that claim must be found, either expressly or inherently, within the four corners of a single prior art reference. That is the law of anticipation.

Independent Claim 1 (as amended) recites the limitation of

the frictional engaging elements being driven by said oil pressure generated by the oil pressure pump, wherein the oil pressure pump comprises a mechanical pump that is driven by a driving force of the engine.

See Claim 1 and lines 14-17.

The control elements that control the transmission disclosed in Nakajima are driven by oil actuation pressure generated by an electric hydraulic pressure pump 14 (refer to Figure 1 and text at column 2, lines 59-65). The pressure pump of Nakajima is not driven by force of the engine as is required by the claim language. Thus, Nakajima does not disclose this limitation of the claim.

For the above reasons, Applicant respectfully submits that the Nakajima reference does not anticipate claims 1, 6, and 7.

C. THE ANTICIPATION REJECTION BASED ON NAGANO

Claims 8-10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Nagano (US 6 396 165). This rejection is respectfully traversed based on the following arguments.

In order for a claim to be anticipated each and every limitation of that claim must be found, either expressly or inherently, within the four corners of a single prior art reference. That is the law of anticipation.

Independent Claim 8 (as amended) recites the limitation of

an oil pressure pump that is a mechanical pump mechanically driven by a driving force of the engine, said oil pressure pump generating oil pressure to engage and disengage said frictional drive engaging elements

See Claim 8 and lines 10-13.

The control elements that control the transmission disclosed in Nagano are driven by hydraulic pressure. The hydraulic pressure of Nagano is not disclosed as being provided from an oil pump driven by force of the engine as is required by the claim language. Thus, Nagano does not disclose this limitation of the claim.

For the above reasons, Applicant respectfully submits that the Nagano reference does not anticipate claims 8-10.

D. THE OBVIOUSNESS REJECTION

Claims 2-5 have been rejected under 35 U.S.C. § 103(a) as being obvious over Nakajima in view of Matsubara (US

6 463 375). This rejection is respectfully traversed based on the following arguments.

In order for a patent claim to be obvious, the prior art must teach or fairly suggest each and every limitation of that claim. That is because the claim must be considered as a whole.

Independent Claim 1 (from which dependent Claims 2-5 depend) recites the limitation of

the frictional engaging elements being driven by said oil pressure generated by the oil pressure pump, wherein the oil pressure pump comprises a mechanical pump that is driven by a driving force of the engine.

See Claim 1 and lines 14-17.

Neither Nakajima nor Matsubara teach or suggest this limitation. Nakajima teaches that the control elements that control the transmission are driven by oil actuation pressure generated by an electric hydraulic pressure pump that draws power from the battery. Likewise, Matsubara teaches the control elements that control the transmission are driven by hydraulic pressure generated by an electric hydraulic pressure pump that draws power from the battery. When considered together, Nakajima and Matsubara do not suggest driving of the transmission control elements using pressure from an oil pump driven by force of the engine as is required by the claim language.

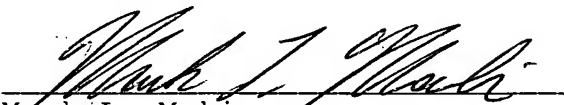
For the above reasons, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 2-5.

E. CLOSING

For the above reasons, Applicant respectfully submits that the application is in condition for immediate allowance with claims 1-11. Based on the arguments set forth above, Applicant respectfully submits that independent Claims 1 and 8 are patentable over the prior art. Applicant further submits that dependent Claims 2-7, 9, and 10 are patentable, at least as being dependent from patentable independent claims, and are

further patentable due to the additional limitations recited therein.

Respectfully submitted,


Mark L. Maki

MLM/KLP

FLYNN, THIEL, BOUTELL	Dale H. Thiel	Reg. No. 24 323
& TANIS, P.C.	David G. Boutell	Reg. No. 25 072
2026 Rambling Road	Ronald J. Tanis	Reg. No. 22 724
Kalamazoo, MI 49008-1631	Terryence F. Chapman	Reg. No. 32 549
Phone: (269) 381-1156	Mark L. Maki	Reg. No. 36 589
Fax: (269) 381-5465	Liane L. Churney	Reg. No. 40 694
	Brian R. Tumm	Reg. No. 36 328
	Steven R. Thiel	Reg. No. 53 685
	Donald J. Wallace	Reg. No. 43 977
	Kevin L. Pontius	Reg. No. 37 512
	Sidney B. Williams, Jr.	Reg. No. 24 949

Encl: Priority Document Transmittal, and Claim of Priority
Postcard